

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

REBIO RONNIE TOWNSEND,

Petitioner,

v.

COALINGA STATE HOSPITAL,

Respondent.

No. 1:23-cv-00562-ADA-SKO (HC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
PETITION FOR WRIT OF HABEAS
CORPUS

(ECF No. 4)

Petitioner Rebio Ronnie Townsend is a state prisoner proceeding pro se and in forma pauperis with a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 13, 2023, the Magistrate Judge screened the petition and determined that it improperly contained multiple claims sounding in both habeas corpus and civil rights. (ECF No. 2.) The Magistrate Judge provided Petitioner with instructions and forms to file separate habeas and civil rights actions and ordered Petitioner to respond within thirty days. (*Id.* at 5.) Petitioner failed to respond to the Magistrate Judge's order, and, on May 25, 2023, the Magistrate Judge issued findings and recommendations, recommending that the Court dismiss the petition based on Petitioner's failure to state a claim. (ECF No. 4.) The findings and recommendations contained notice that Petitioner had fourteen days within which to file objections. (*Id.* at 2.) That deadline

1 has passed, and Petitioner has not filed objections or otherwise communicated with the Court.

2 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a
3 de novo review of this case. Having carefully reviewed the entire file, the Court concludes that
4 the Magistrate Judge's findings and recommendations are supported by the record and proper
5 analysis.

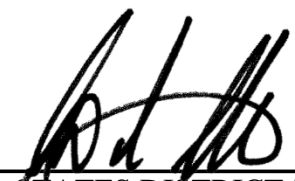
6 Having found that the petitioner is not entitled to habeas relief, the Court now turns to
7 whether a certificate of appealability should issue. A petitioner seeking a writ of habeas corpus
8 has no absolute entitlement to appeal a district court's denial of his petition, and an appeal is only
9 allowed in certain circumstances. *Miller-El v. Cockrell*, 537 U.S. 322, 335–36 (2003); 28 U.S.C.
10 § 2253. Where, as here, a court denies habeas relief on procedural grounds without reaching the
11 underlying constitutional claims, the court should issue a certificate of appealability only “if
12 jurists of reason would find it debatable whether the petition states a valid claim of the denial of a
13 constitutional right and that jurists of reason would find it debatable whether the district court was
14 correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). In the present
15 case, the Court finds that reasonable jurists would not find the Court's decision to dismiss the
16 petition debatable or wrong. Therefore, the Court declines to issue a certificate of appealability.

17 Accordingly,

- 18 1. The findings and recommendations issued on May 25, 2023, (ECF No. 4), are
19 adopted in full;
- 20 2. The petition for writ of habeas corpus is dismissed with prejudice;
- 21 3. The Clerk of Court is directed to enter judgment and close the case; and
- 22 4. The Court declines to issue a certificate of appealability.

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25 IT IS SO ORDERED.

26 Dated: September 11, 2023

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UNITED STATES DISTRICT JUDGE